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15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE DIVISION

18 \_\_\_\_\_ )  
19 THE BILLING RESOURCE d/b/a INTEGRETTEL, )  
20 Debtor-Plaintiff-Appellee, )  
21 v. )  
22 FEDERAL TRADE COMMISSION et al., )  
23 Defendant-Appellant. )  
24 \_\_\_\_\_ )

No. 5:07-CIV-5758-JW

Date: February 4, 2008

Time: 9:00 a.m.

Place: 280 S. First Street

San Jose, CA

Judge: Hon. James Ware

Courtroom: 8 - 4th Floor

25 On Appeal from the United States Bankruptcy Court for the Northern District  
26 of California, No. 07-52890, Adversary Proceeding No. 07-5156 (Weissbrodt)

27 **DECLARATION OF JOHN ANDREW SINGER IN SUPPORT OF**  
28 **MOTION TO EXTEND TIME FOR FILING REPLY MEMORANDUM**  
**BY FEDERAL TRADE COMMISSION UNTIL JANUARY 23, 2008**

1           1.       My name is John Andrew Singer, I am an attorney in the Office of the General Counsel  
2 of defendant-appellant the Federal Trade Commission ("Commission"), and I represent the  
3 Commission in this matter.  
4

5           2.       The Commission understands that in its January 3, 2008, Order (Dkt Item 41), this Court  
6 granted the Federal Trade Commission's Motions to Expedite Consideration of its two pending  
7 motions for stays pending appeal and a motion to change venue and scheduled these motions for a  
8 hearing on February 4, 2008.  
9

10          3.       Under the Local Rules, the Commission's reply memorandum regarding its second stay  
11 motion (as to the November 27, 2007, preliminary injunction issued by the bankruptcy court) is due on  
12 January 21, 2008, fourteen days before the February 4 hearing date.

13          4.       I am representing the Commission in an oral argument before the Eleventh Circuit on  
14 January 15, 2008, in *FTC v. Peoples Credit First, LLC*, No. 06-13254-DD. As a result of my  
15 preparation for this argument, I have had minimal time to work on the Commission's reply  
16 memorandum since the Court issued its January 3 Order. I will not have time to begin to prepare the  
17 Commission's reply until January 16, 2008.  
18

19          5.       In addition, January 21 due date absent this requested extension is a federal holiday.  
20

21          6.       The Commission, therefore, moves that it be permitted to file its reply memorandum on  
22 January 23, 2008.

23          7.       Pursuant to N.D. Cal. L.R. 6-3(a)(2), I communicated with Jeffrey Rehfeld, counsel for  
24 the Debtor, on January 10 and 11, 2008, seeking Debtor's consent to the relief requested by the FTC in  
25 this Motion. Debtor's counsel stated that Debtor has no objection to the FTC filing and serving its  
26 reply brief to "Plaintiff-Appellee The Billing Resource, dba Integretel's Memorandum In Opposition  
27 To FTC's Motion For Stay Pending Appeal Re Injunction Issued November 27, 2007" two days later  
28

1 than any deadline for the FTC to file and serve such reply brief, whatever that deadline may be.  
2 Debtor's counsel further stated, however, that the Debtor does not agree with the FTC's position set  
3 forth above regarding: (1) the existing deadline, if any, for the FTC to file and serve such reply brief;  
4 or (2) that this Court has set the FTC's motion for stay pending appeal of the bankruptcy court's  
5 November 27, 2007, preliminary injunction for hearing on February 4, 2008.  
6

7 I certify that the foregoing is true based upon my own personal knowledge and subject to the  
8 penalty for perjury.  
9

10 Executed: January 11, 2008  
Lutherville, Maryland

11  
12 /S/  
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